

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MBIA INC.,

Plaintiff,

v.

CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON, LEXINGTON INSURANCE
COMPANY and WURTTEMBERGISCHE
VERSICHERUNG AG,

Defendants.

No. 14-cv-1769-SAS

**NOTICE OF DEFENDANTS'
MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying declaration of James Manners Wood and the exhibits annexed thereto, the accompanying Memorandum of Law, and all proceedings had herein, Defendants CERTAIN UNDERWRITERS AT LLOYD'S, LONDON, LEXINGTON INSURANCE COMPANY and WURTTEMBERGISCHE VERSICHERUNG AG move before the Honorable Judge Shira A. Scheindlin, United States District Judge, in Courtroom 15C of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order dismissing Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP") on the ground that the complaint fails to state a claim and pursuant to Rule 12(b)(1) of the FRCP on the ground that the Court lacks subject matter jurisdiction as the claims in the complaint are not ripe for adjudication, and granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's instructions at the April 7, 2014 court conference, opposing papers, if any, must be served and filed with the Court on or before May 9, 2014. Unless such papers are timely served and filed, the relief sought herein may be granted.

Dated: April 25, 2014
New York, New York

Respectfully submitted,

/s/ Edward J. Kirk
Edward J. Kirk
Theresa M. Biedermann
Bryce K. Guingrich
CLYDE & CO US LLP
405 Lexington Avenue
16th Floor
New York, NY 10174
Phone: 212-710-3900
Fax: 212-790-3950
edward.kirk@clydco.us
theresa.biedermann@clydeco.us
bryce.guingrich@clydeco.us

Counsel for Defendants
CERTAIN UNDERWRITERS AT
LLOYD'S, LONDON, LEXINGTON
INSURANCE COMPANY and
WURTTENBERGISCHE
VERSICHERUNG AG

VIA ECF TO:

Robin L. Cohen
Kenneth H. Frenchman
KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP
1633 Broadway
New York, NY 10019
Phone: 212-506-1700
rcohen@kasowitz.com
kfrenchman@kasowitz.com

Counsel for Plaintiff
MBIA INC.